♦ AO 472 (Rev 12/03) Order of Detention Pending Trial

United States District Court					
			District of	DELAWARE	
		UNITED STATES OF AMERICA			
V. ORDER OF DETENTION PENDING TRIA					
_		JULIO FABELA-NIEBLA,	Case Numb	per: 08-81-M	
det		Defendant ccordance with the Bail Reform Act, 18 U.S.C n of the defendant pending trial in this case.	C. § 3142(f), a detention hearing ha	as been held. I conclude that the following facts require the	
	(1)	1) The defendant is charged with an offense described in 18 U.S.C. § 3142(f)(1) and has been convicted of a federal offense state or local offense that would have been a federal offense if a circumstance giving rise to federal jurisdiction had existed - that is a crime of violence as defined in 18 U.S.C. § 3156(a)(4) an offense for which the maximum sentence is life imprisonment or death an offense for which a maximum term of imprisonment of ten years or more is prescribed in			
	 a felony that was committed after the defendant had been convicted of two or more prior federal offenses described in 18 U.S.C. § 3142(f)(1)(A)-(C), or comparable state or local offenses. The offense described in finding (1) was committed while the defendant was on release pending trial for a federal, state or local offense. A period of not more than five years has elapsed since the ☐ date of conviction ☐ release of the defendant from imprisonment for the offense described in finding (1). Findings Nos. (1), (2) and (3) establish a rebuttable presumption that no condition or combination of conditions will reasonably assure the safety of (an) other person(s) and the community. I further find that the defendant has not rebutted this presumption. 				
	Alternative Findings (A)				
	 (1) There is probable cause to believe that the defendant has committed an offense for which a maximum term of imprisonment of ten years or more is prescribed in under 18 U.S.C. § 924(c). (2) The defendant has not rebutted the presumption established by finding 1 that no condition or combination of conditions will reasonably assure 				
	the appearance of the defendant as required and the safety of the community.				
Alternative Findings (B)					
X					
					
Part II—Written Statement of Reasons for Detention					
I find that the credible testimony and information submitted at the hearing establishes by \Box clear and convincing evidence X a preponderance of the evidence that					
inc dep	ludinį ortati	g the affidavit supporting the complaint again	ist Defendant for illegal re-entry in	tion Office, and other information before the Court — to the U.S., which sets out three prior removals or of conditions could reasonably assure that the Defendant	
rea: Go	he ex sonab vernn	defendant is committed to the custody of the Attent practicable, from persons awaiting or sele opportunity for private consultation with a nent, the person in charge of the corrections faction with a court proceeding. April 24th, 2008	erving sentences or being held in orderense counsel. On order of a co	presentative for confinement in a corrections facility separate, custody pending appeal. The defendant shall be afforded a urt of the United States or on request of an attorney for the othe United States marshal for the purpose of an appearance	
		Date	- 1	Signature of Judge Hon. Leonard P. Stark	
		_	_	Jame and Title of Judge	

^{*}Insert as applicable: (a) Controlled Substances Act (21 U.S.C. § 801 et seq.); (b) Controlled Substances Import and Export Act (21 U.S.C. § 951 et seq.); or (c) Section 1 of Act of Sept. 15, 1980 (21 U.S.C. § 955a).